

TOWN OF RUSTON

ORDINANCE 1281

AN ORDINANCE of the Town of Ruston relating to the approval of a variance from height and rear yard setback standards within the COM-P zone, regarding an application made by The Ruston Building, LLC for the redevelopment of the site formerly known as Coles, located at 5811 North 51st Street, Ruston, WA.

WHEREAS, pursuant to Ruston Municipal Code (RMC) Chapter 25.01.110(d) an application for a variance from any area, setback, yard, parking or other dimensional requirements contained in RMC 25.01 shall be granted by the Council after receiving the recommendation and written findings of fact from the Planning Commission if the Council finds that the variance approval criteria found in RMC 25.01.110(d)(2) have been established by the applicant, and

WHEREAS, pursuant to RMC Chapter 25.01.110(d), The Ruston Building LLC has submitted a complete application for a variance to increase the maximum allowed height from 35'-0" to 39'-8" and also to reduce the rear yard setback from 25'-0" to 0'-0" for the construction and development of a three story mixed-use building containing a single business and three residential units, (attached hereto as Exhibit A and incorporated herein by reference), and

WHEREAS, pursuant to RMC Chapter 25.01.110 and 19.01.011 the Town of Ruston Planning Commission reviewed the application and conducted a public hearing to hear testimony on the application on January 28, 2009, after deliberation on the public testimony, the Planning Commission voted 3-2 (Anderson absent) to recommend conditional approval of the proposal to the Town Council, (attached hereto as Exhibit B and incorporated herein by reference), and

WHEREAS, this approval is pursuant to Ruston Municipal Code (RMC) Chapter 15.02 and RCW 43.21C, in that the decision has complied with SEPA, and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF RUSTON:

Section 1: The Council for the Town of Ruston hereby accepts the Planning Commission's Findings and Recommendation, (attached hereto as Exhibit B and incorporated herein by reference), for conditional approval of the Ruston Building LLC application.

Section 2: The Council for the Town of Ruston hereby approves the application by The Ruston Building LLC for a Variance to increase the maximum building height from 35'-0" to

39'-8", and to reduce the rear yard setback requirements from 25'-0" to 0'-0", SUBJECT TO the conditions stated in Exhibit B.

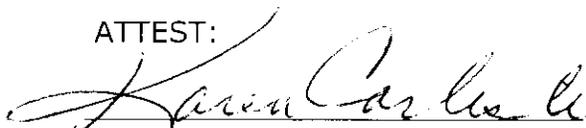
Section 3: This Ordinance shall become effective immediately upon publication hereof as provided by RCW 35.27.300.

PASSED BY THE COUNCIL AND APPROVED by me this 2nd day of March 2009.



Bruce Hopkins, Mayor

ATTEST:



Karen Carlisle Clerk-Treasurer

Approved as to form:

Town Attorney



TOWN OF RUSTON
PLANNING SERVICES

5117 North Winnifred Street Ruston, Washington 98407-6597
Phone (253)759-3544 Fax (253)752-3754

Memorandum

To: Mayor Hopkins and Ruston Town Council
From: Rob White, Town Planner
Subject: 5811 N 51st Street Height and Setback Variances
Date: February 12, 2009

Introduction

On November 12, 2008, The Ruston Building, LLC applied to the Town of Ruston for approval of a Variance to increase the maximum allowable building height for their site from 35 feet to 39 feet - 8 inches, in order to achieve a Class A mixed-use project. Additionally, the applicant requested elimination of the rear yard setback in order to allow more efficient use of an atypical lot configuration within the COM-P zone. The existing Coles building currently has no rear yard setback.

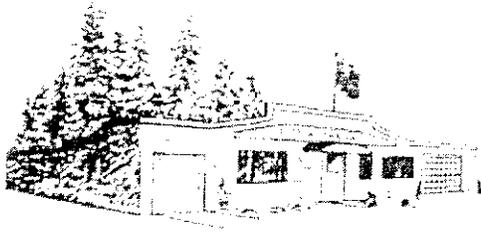
The site as it currently exists contains an abandoned, fire damaged, building formerly known as Coles. According to the applicant, repair or remodel of the building in its current state is not economically feasible. In order to prepare for design and development of the site, the applicant has chosen to apply for height and setback variances that will allow for a design that efficiently utilizes the site as a three-story mixed-use building, making it economically feasible for the site to be redeveloped.

As described in the attached Planning Commission Findings and Recommendation, the Planning Commission held a public hearing on January 28, 2009 for the proposed variances. Several members of the public spoke in favor of the variance along with one Tacoma resident that was not in favor. At the same meeting, the Planning Commission also completed their deliberations and voted to approve the application with conditions. Their recommendation for approval and findings are now being forwarded on to you for your consideration.

The attached ordinance and exhibits, if approved, would allow the variances as requested with the condition that the building elevation drawings submitted for construction substantially reflect those submitted with this application; and that a building permit application is received within 24 months of the date of variance approval.

Recommendation

Staff recommends that the Town Council approve the attached ordinance as presented.



TOWN OF RUSTON

TOWN OF RUSTON CHECKLIST OF VARIANCE STANDARDS

See Ordinance 938 for more detail
One checklist must be filled out for each variance requested.

A variance from any area, set back, yard, or other dimensional requirements shall be granted by the Council after receiving the recommendation and written findings of fact from the Planning Commission if the Council finds that the standards below are established by the applicant. Space is provided for explanation which will be helpful in evaluating your request. Please attach additional sheets if needed.

Variance covered by this checklist REAR YARD SETBACK

- yes no Is there a unique condition of your property (size, shape, topography, character of surrounding uses) which, combined with the zoning code requirement prevents you from using your property in the manner of adjacent properties or other like zoned properties?
- yes no Will the purpose of the regulation (fire safety, adequate traffic sight distance, and open space for light, air and recreational uses) from which the variance is sought be harmed by allowing the variance?
- yes no Will the granting of the variance grant a special privilege not enjoyed by other properties in the vicinity?
- yes no Is the proposed design more environmentally sensitive than would be the case if the design met the regulation from which the variance is sought? (If applicable, for example, stream corridors may be preserved, grading may be reduced, trees may be saved, etc.)
- yes no Does the proposal conflict with the Town's Comprehensive Plan?
- yes no Will the proposal adversely affect the neighborhood's character?
- yes no Will the proposal adversely affect the use or value of neighboring properties?



TOWN OF RUSTON

1000 WEST 10TH STREET
RUSTON, MISSISSIPPI 39479
PHONE: 601-797-1000 FAX: 601-797-1004

TOWN OF RUSTON CHECKLIST OF VARIANCE STANDARDS

See Ordinance 938 for more detail
One checklist must be filled out for each variance requested.

A variance from any area, set back, yard, or other dimensional requirements shall be granted by the Council after receiving the recommendation and written findings of fact from the Planning Commission if the Council finds that the standards below are established by the applicant. Space is provided for explanation which will be helpful in evaluating your request. Please attach additional sheets if needed.

Variance covered by this checklist BUILDING HEIGHT

- yes no Is there a unique condition of your property (size, shape, topography, character of surrounding uses) which, combined with the zoning code requirement prevents you from using your property in the manner of adjacent properties or other like zoned properties?
- yes no Will the purpose of the regulation (fire safety, adequate traffic sight distance, and open space for light, air and recreational uses) from which the variance is sought be harmed by allowing the variance?
- yes no Will the granting of the variance grant a special privilege not enjoyed by other properties in the vicinity?
- yes no Is the proposed design more environmentally sensitive than would be the case if the design met the regulation from which the variance is sought? (If applicable, for example, stream corridors may be preserved, grading may be reduced, trees may be saved, etc.)
- yes no Does the proposal conflict with the Town's Comprehensive Plan?
- yes no Will the proposal adversely affect the neighborhood's character?
- yes no Will the proposal adversely affect the use or value of neighboring properties?



STATEMENT OF JUSTIFICATION

Ruston Mixed Use Project, 5811 North 51st Street, Ruston, WA

Variance Request No. One (Building Height): This variance request is to increase the maximum allowable building height for the site from 35 feet to 39 feet + 8 inches in order to achieve a Class A mixed-use project that is prescribed in the Town of Ruston's Comprehensive Plan and the specific zoning for the property location.

The Town of Ruston Municipal Code in Section 25.01.051 (Com-P Zone) states:

- (f) *Permitted Height: No structure shall exceed 35 feet in height, including all mechanical equipment, between 48th Street and the centerline of 52nd Street. Height shall be measured from sidewalk grade. Height shall be established by a horizontal plane measured from the sidewalk at the midpoint of the frontage. The applicant may elect to create a separate height measurement every 25 feet along the site frontage.*

Design Summary: The proposed project is for a three-story above grade mixed-use commercial and residential building comprising approximately 6,300 square feet replacing an existing fire-damaged and vacant two-story above grade structure of approximately 4,200 square feet. The project design is considering adding a below-grade basement for the location of utilities due to the small footprint of the existing zero lot line structure.

The focus of the project has been to specifically comply with the stated purpose of the Com-P Zone as contained within Section 25.01.051 of the Ruston Municipal Code (RMC):

"Second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings."

Building Height Analysis: The challenge in developing two floors of residential over a ground level commercial use is the reality of creating an aesthetically pleasing proportioned design for the building while still keeping the total project under the maximum building height. Attached is a drawing that illustrates this specific challenge (please see Building Height Analysis).

Building Height Compliance Section (Class B Specifications)

This Building Section delineates a design for the three story building within a 35 foot maximum building height. The following are minimum dimensions for construction of such a mixed-use structure:

715 1st Avenue

Tacoma WA 98402

253 263 7762

Fax: 253 6947

+Ground Floor Window Head: The zoning code requires a minimum 8 feet above the sidewalk for window transparency (RMC 25.01.051 (b)) - (Windows and Openings - Street Level). This will translate into a minimum ceiling at the ground floor of 8'-6" which meets a Class B Commercial Space Specification.

+Structural Space: The minimum structural depth for joists to minimize columns within the floor plans and providing necessary 1-hour fire resistive construction is 18 inches (typically 24" is used to incorporate some of the mechanical systems within the joist pocket spaces).

+Ground Level Ceiling Void Space: The absolute minimum space above the ground floor ceiling for the location of ductwork and lighting is 18 inches (which is only 12" clear above the installed electrical fixtures for location of ductwork).

+Roof Insulation: The minimum roof insulation to meet the energy code is 6 inches applied to the top of the roof structure.

+Minimum Parapet: The minimum parapet around the perimeter of the roof is 42" in order to meet building code requirements for access to roof-top mechanical equipment (which is required due to the shallow depth of the floor structures). This parapet height will also be required to provide visual screening of all mechanical units as required within the maximum building height requirement.

+Upper Floor Ceiling Heights: After subtracting the above from the maximum building height of 35 feet, the resulting ceiling heights for the upper floors is a code minimum 8 feet (with exterior windows allowing a 6'-10" head height).

The analysis of this Building Height Compliance Section shows that the resulting building design barely meets Class B Specification requirements and will have a resulting exterior proportion that is not consistent with the goals of providing aesthetically compatible commercial development to the surrounding properties.

Building Height Variance Section (Class A Specifications)

This building section illustrates the height increase required to create Class A Commercial and Residential space for the same three-story mixed-use project. The additional 4'-8" in height - using the same dimensions for Structural Space, Ground Level Ceiling Void Space and Minimum Parapet as noted above - allows for a nominal 10'-6" ceiling in the ground floor commercial space (with an increase in the transparency height along the sidewalk to 10 feet) and nominal 9'-6" ceilings in the upper-story residential spaces (and a corresponding 8'-2" window head height for increased transparency). While this increase in total building height does not add any additional floor area to the project; the increase in interior quality translates financially to the ability of providing quality exterior building materials - namely a brick veneer along North 51st Street. Section 25.01.051 (K) - 3 of the TMC specifically requires for exterior materials of the front façade to be of high quality - "brick, copper, or natural stone" - which can only be financially achieved by providing a quality building product both inside and out. With only two floors of development to stay under the maximum

building height, the resulting decrease in square footage would make it financially unfeasible to provide the quality exterior building finishes as prescribed by the Town of Ruston zoning code.

Town of Ruston Comprehensive Plan: The following are goals with the Town of Ruston Comprehensive Plan that clearly support the request for additional height for this mixed-use project:

Goal 2.2: Year 2010 Population Forecast. The development of two floors of residential units above the ground floor with approval of the height variance will allow for the project to achieve a density of 29 units per acre which is in line with the projected assumptions of residential density of new development within the Town of Ruston.

Goal 2.3: Employment. Successful redevelopment of the site with the proposed variance will allow for location of a commercial enterprise on the ground floor that will provide employment opportunities with the Town of Ruston.

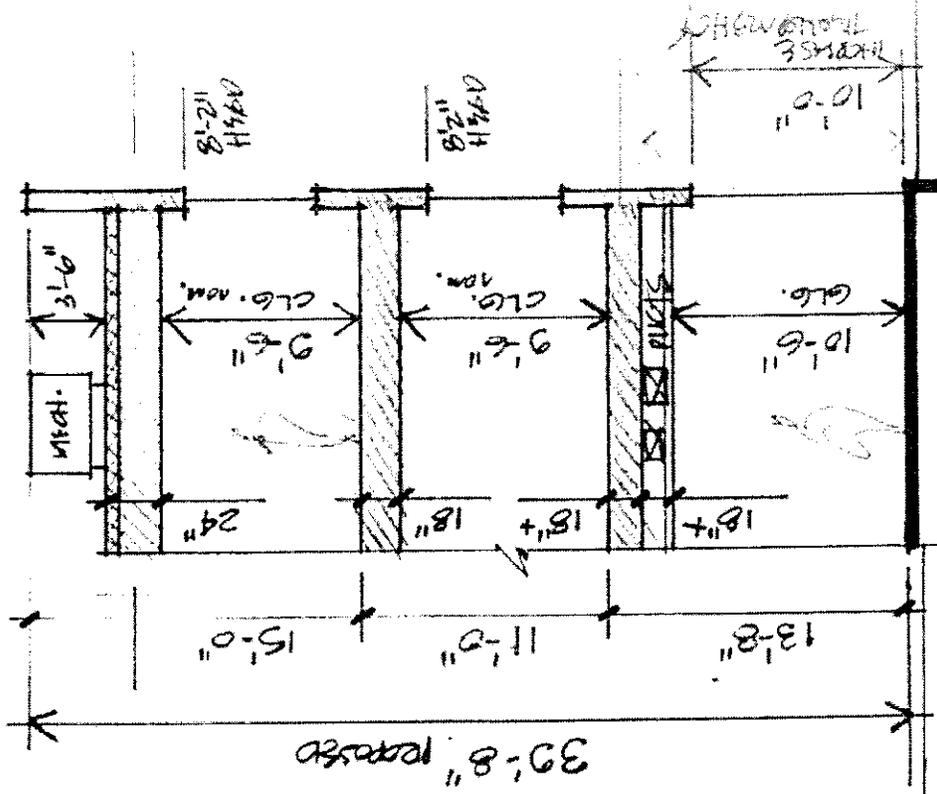
Goal 3.3: Overall Concept. The proposed project concept with approval of the height variance is designed to specifically achieve the overall concept of the Comprehensive Plan to "Develop a balance of residential, commercial, industrial and open space uses that create a fiscally sound community while maintaining the character of the town."

Goal 3.5: Commercial Development Concepts and Goals. The proposed variance will allow for the project to comply with all of the following goals of this section:

- Encourage development of a range of retail, commercial and office uses to support local, community and regional needs.
- + Promote mixed commercial and residential development.
- + Provide neighborhood-shopping facilities easily accessible to residential areas.
- + Encourage commercial uses to locate in areas suitable for intensive development.
- + Promote site-sensitive and efficient commercial design.
- + Provide convenient and safe pedestrian and vehicular access to and within commercial areas.
- + Design commercial development so that it is aesthetically compatible with surrounding building, significant historic properties, and natural features.

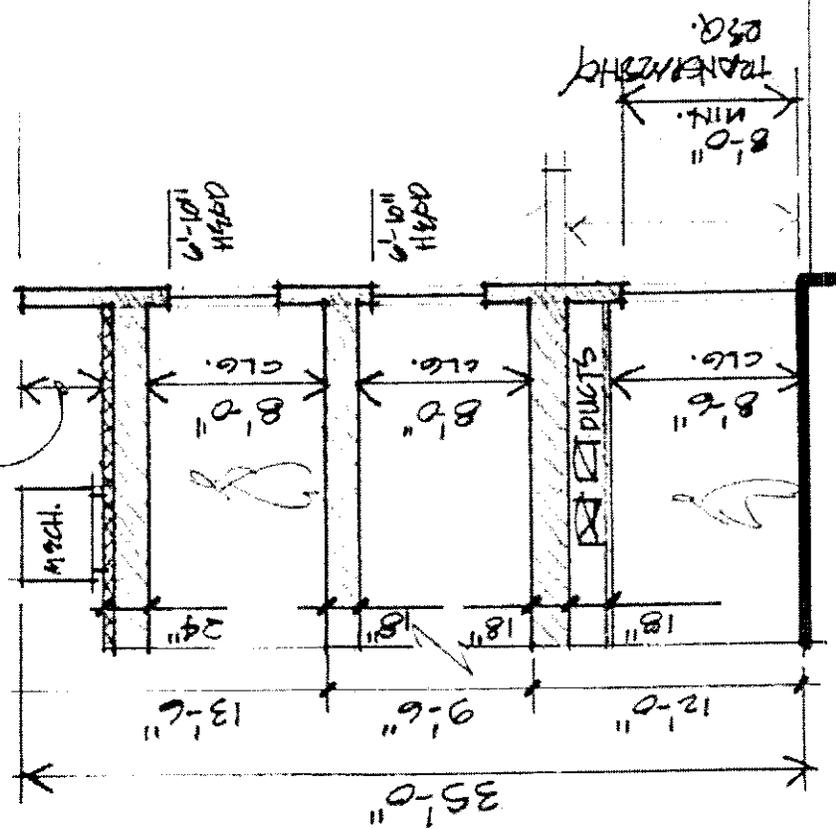
Goal 4.3: Housing Concept and Goals. With approval of the height variance this project can "Encourage a fuller range of housing types, providing housing for all income levels and all family sizes."

Goal 5.4: Transportation Concept and Goals. The development of this proposed project with the height variance will allow for a project that will "Promote increased public transit services to serve residents of Ruston as warranted by population and demand."



BUILDING HEIGHT
 VARIANCE SECTION
 (CLASS A SPECIFICATIONS)

3'-6" COPE MIN. FOR
 ACCESS TO ROOFTOP MECH.



BUILDING HEIGHT
 COMPLIANCE SECTION
 (CLASS B SPECIFICATIONS)

BUILDING HEIGHT ANALYSIS

THE OLSON BUILDING, 531 N FIRST ST, RUSTON, LA



STATEMENT OF JUSTIFICATION

Ruston Mixed Use Project, 5811 North 51st Street, Ruston, WA

Variance Request No. Two (Rear Yard Setback): This variance request is to eliminate the Rear Yard Setback in order to allow for the development of a Class A mixed-use project that is prescribed in the Town of Ruston's Comprehensive Plan and the specific zoning for the property location.

The Town of Ruston Municipal Code in Section 25.01.051 (Com-P Zone) states:

- (g) *Setback and Buffer Requirements*
 - (1) *Yard setback requirements:*
 - (B) *Rear yard: 25 feet to property line.*

Design Summary: The proposed project is for a three-story above grade mixed-use commercial and residential building comprising approximately 6,300 square feet replacing an existing fire-damaged and vacant two-story above grade structure of approximately 4,200 square feet. The project design is considering adding a below-grade basement for the location of utilities due to the small footprint of the existing zero lot line structure.

The focus of the project has been to specifically comply with the stated purpose of the Com-P Zone as contained within Section 25.01.051 of the Ruston Municipal Code (RMC):

"Second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings."

Rear Setback Analysis:

The basis for this request is that the existing building on the property is located directly on the rear property line (i.e. it currently has a zero lot line rear setback). With the existing building constructed in 1925, this zero lot line rear setback has existed for over 83 years. Furthermore this parcel development and configuration was not due to any action by the current Owners. Attached is a Rear Setback Analysis that delineates the existing configuration and the impact of incorporating a Rear Setback on the subject property. This analysis shows that any additional Rear Setback would result in a building footprint that is smaller than the existing which would make any redevelopment of the site economically unfeasible (and the fallow condition of the existing property to remain).

115 Pacific Avenue

Tacoma, WA 98402

253 563 2162

fax 253 8041

Lot Size: PMC Section 23.01.061 (e) states that there is no minimum lot area within the COM-P zoning; however, the typical lot sizes of the surrounding COM-P zoning are approximately 6,000 square feet – or 285% larger than the subject parcel (attached is a print out from Pierce County Assessor-Treasurer Parcel Map that accurately shows the small size of the subject parcel relative to the surrounding properties within the COM-P zoning). Incorporating the required front and rear yard setbacks on most of these surrounding properties would result in a building footprint that is approximately 4,500 square feet – or over 200% larger than the existing building on the subject parcel.

Lot Location: Another factor that warrants elimination of the Rear Yard Setback is the configuration of the existing parcel relative to the surrounding parcels. All of the other surrounding parcels are orientated with a front yard facing either Pearl Street or North Highland Street thus their rear setback is located against the mid-block alley. The subject parcel is orientated with a front yard towards North 51st Street; therefore, its Rear Yard Setback is perpendicular to the mid-block alley and the rear property line adjoins the property immediately to the North on their side property line (with their side yard setback at 0 feet).

Usable Floor Area Percentage: With an incorporation of any Rear Setback, the reduction in usable floor area after accounting for the Building Code required two stairways would make any type of multi-story building financially impossible. Using the current footprint of the building, the common areas for stairways and exit corridors accounts for approximately 33% of an upper floor interior floor area (note: a goal of most mixed-use projects is in the 12-15% range). If the Rear Setback was required, the common areas for stairways and exit corridor would account for approximately 45% of the floor area. This would make a multi-story project of either two or three floors economically unfeasible to pursue.

The unique site configuration, the small parcel area, the location of the site along two public right-of-ways (North 51st Street and the Access Alley to the East) and the historic location of the building along the Rear Property Line combine to justify the granting of this variance request for removal of the Rear Yard Setback.

Town of Ruston Comprehensive Plan: The following are goals with the Town of Ruston Comprehensive Plan that clearly support the request for elimination of the Rear Yard Setback for this specific mixed-use project:

Goal 2.2: Year 2010 Population Forecast. The development of two floors of residential units above the ground floor with approval of the rear yard setback variance will allow for the project to achieve a density of 29 units per acre which is in line with the projected assumptions of residential density of new development within the Town of Ruston.

Goal 2.3: Employment. Successful redevelopment of the site with the proposed variance will allow for location of a commercial enterprise on the ground floor that will provide employment opportunities with the Town of Ruston.

Goal 3.3: Overall Concept. The proposed project concept with approval of the rear yard setback variance is designed to specifically achieve the overall concept of the Comprehensive Plan to "Develop a balance of residential, commercial, industrial and open space uses that create a fiscally sound community while maintaining the character of the town."

Goal 3.5: Commercial Development Concepts and Goals. The proposed variance will allow for the project to comply with all of the following goals of this section:

- + Encourage development of a range of retail, commercial and office uses to support local, community and regional needs.
- + Promote mixed commercial and residential development.
- Provide neighborhood-shopping facilities easily accessible to residential areas.
- + Encourage commercial uses to locate in areas suitable for intensive development.
- Promote site-sensitive and efficient commercial design.
- + Provide convenient and safe pedestrian and vehicular access to and within commercial areas.
- + Design commercial development so that it is aesthetically compatible with surrounding building, significant historic properties, and natural features.

Goal 4.3: Housing Concept and Goals. With approval of the rear yard setback variance this project can "Encourage a fuller range of housing types, providing housing for all income levels and all family sizes."

Goal 5.4: Transportation Concept and Goals. The development of this proposed project with the rear yard setback variance will allow for a project that will "Promote increased public transit services to serve residents of Ruston as warranted by population and demand."

Variance Standards: Per Ordinance No. 939, Section 2 – Variance Standards before any variance can be granted, the applicant must establish the following:

A. (Option 1): *There is a unique condition relating to the size, shape, topography, location, or character of surrounding uses that would make the application of the regulation too restrictive.*

As noted above, the uniqueness of the small size of the existing parcel, the unique orientation of the parcel relating to the neighboring parcels and street grid, and the historic precedence of the existing configuration supports the granting of the variance request – as direct application of the regulation would make any development of the parcel impossible due to its resulting small building footprint size.

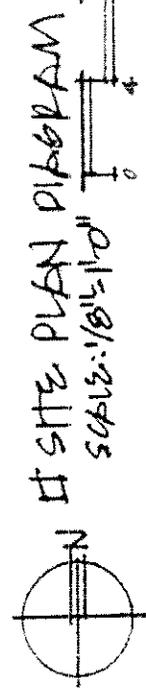
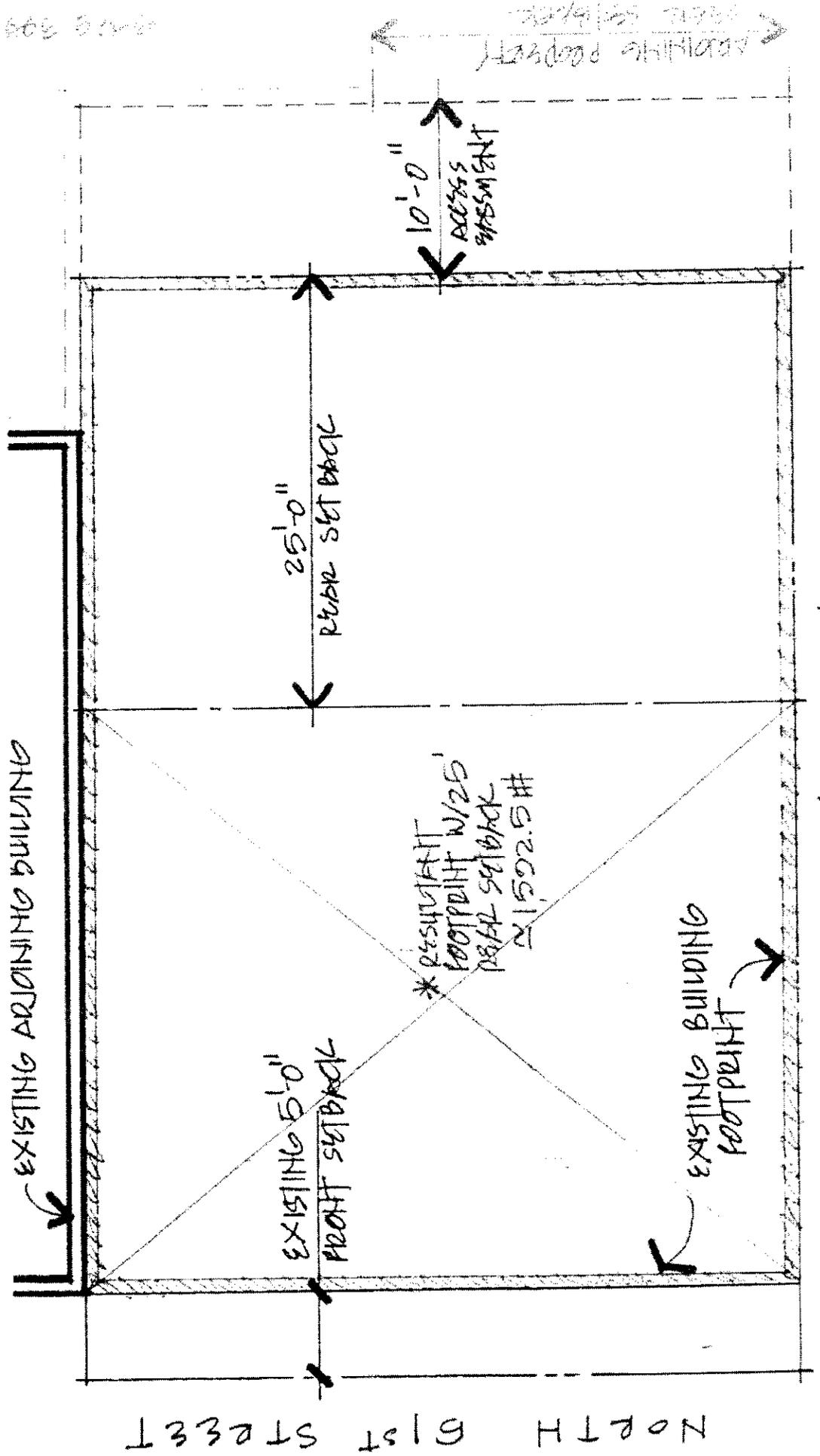
B. (Option 1): *Granting of the variance will not grant a special privilege not enjoyed by other properties in the vicinity.*

Many of the building in the surrounding neighborhood have significantly reduced Rear Yard Setbacks. These include the parcel located immediately to the West and the properties located to the South across North 51st Street. Approval of this variance will not grant any special privilege not enjoyed by current properties in the vicinity of the subject parcel.

C. *The proposed variance will not conflict with the Town's Comprehensive Plan, will not adversely affect the neighborhood's character and will not adversely affect the use of value of neighboring properties.*

The approval of the rear yard setback variance request will actually allow the project to be in compliance with the Town of Ruston Comprehensive Plan (as noted previously), it will vastly improve the character of the neighborhood, and will improve the value of the adjoining properties. The granting of this variance will also maintain the historic building footprint of the parcel. No impacts to the surrounding properties are envisioned by allowing for the new structure to achieve the same footprint areas as the existing structure on the site.

Given the above justification analysis, we believe that granting of the removal of the Rear Yard Setback Requirement will allow for this project to be developed consistent with the stated goals of the Town of Ruston Comprehensive Plan, meet the intended purpose of the RMC COM-P Zoning, and will have only positive impacts to the surrounding and neighboring properties.



REAR SETBACK ANALYSIS

THE RUSTON BUILDING, 5811 N. 51ST ST., RUSTON, WA

DATE: 3/15/10

ADJOINING PROPERTY

10'-0" ACCESS EASEMENT

25'-0" REAR SETBACK

* RESULTANT FOOTPRINT W/ 25' REAR SETBACK
1522.5

EXISTING 5'-0" REAR SETBACK

EXISTING BUILDING FOOTPRINT

NORTH 51ST STREET

A V V C Y



Pierce County
Information Public e-PIP



Ken Mad
Assessor-Treasurer



Pierce County Home Assessor-Treasurer Home Parcel Search Sales Search Recorded Documents Farm
Summary Taxes/Values Land Buildings Sales Map

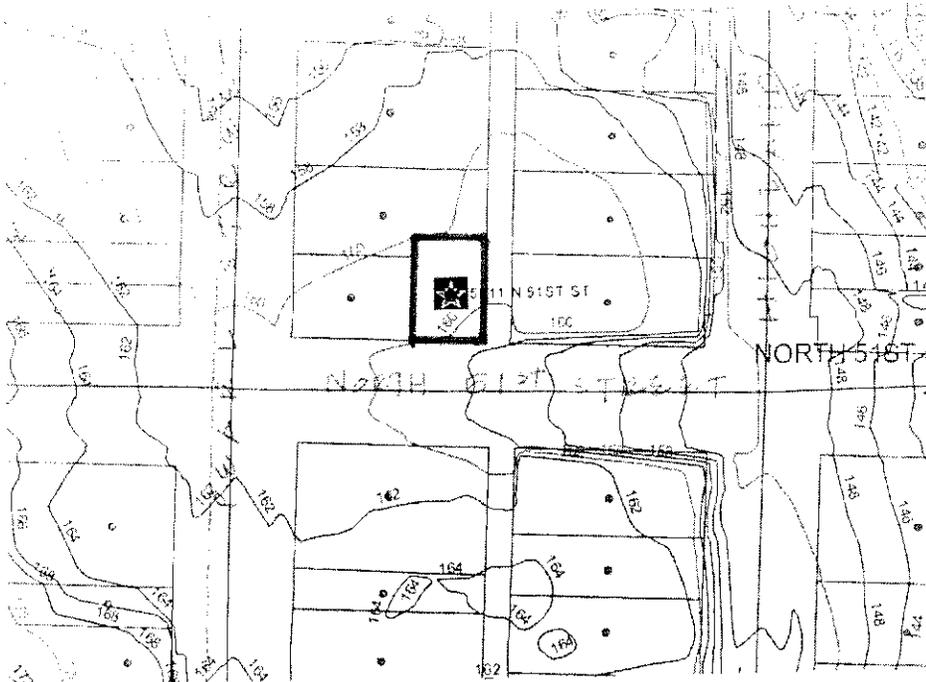
Parcel Map for 4655000020

11/11/

Taxpayer Details		Property Details	
Taxpayer Name:	RUSTON BUILDING LLC	Parcel Number:	4655000020
Mailing Address:	4109 N 35TH ST TACOMA WA 98407-5520	Site Address:	5811 N 51ST ST
		Account Type:	Real Property
		Category:	Land and Improvements
		Use Code:	5820-TAVERNS

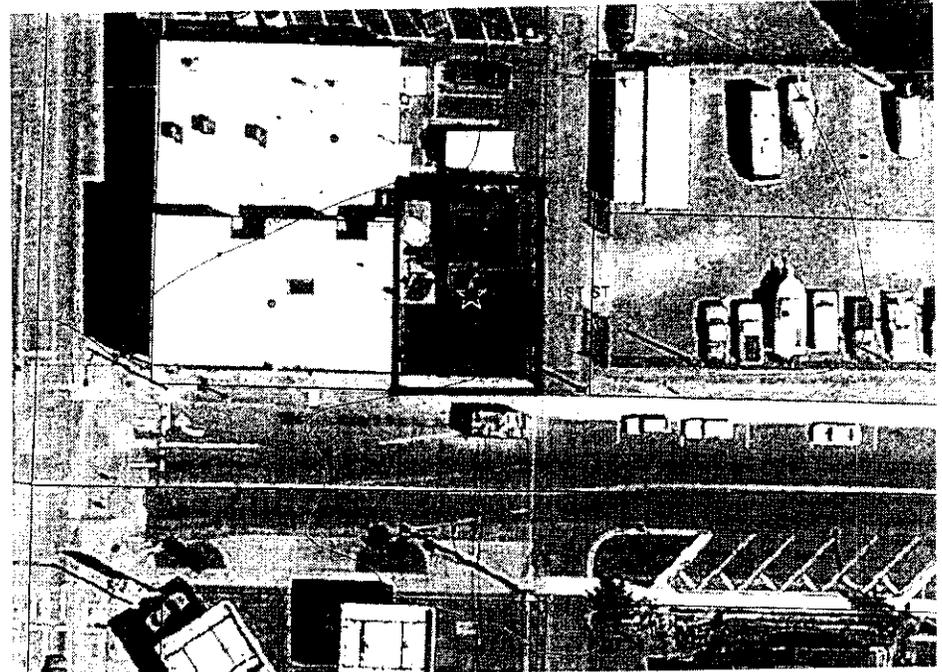
For additional mapping options, visit [Public GIS](#)

I acknowledge and agree to the prohibitions listed in RCW 42.17.260(9) against releasing and/or using lists of individual commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or

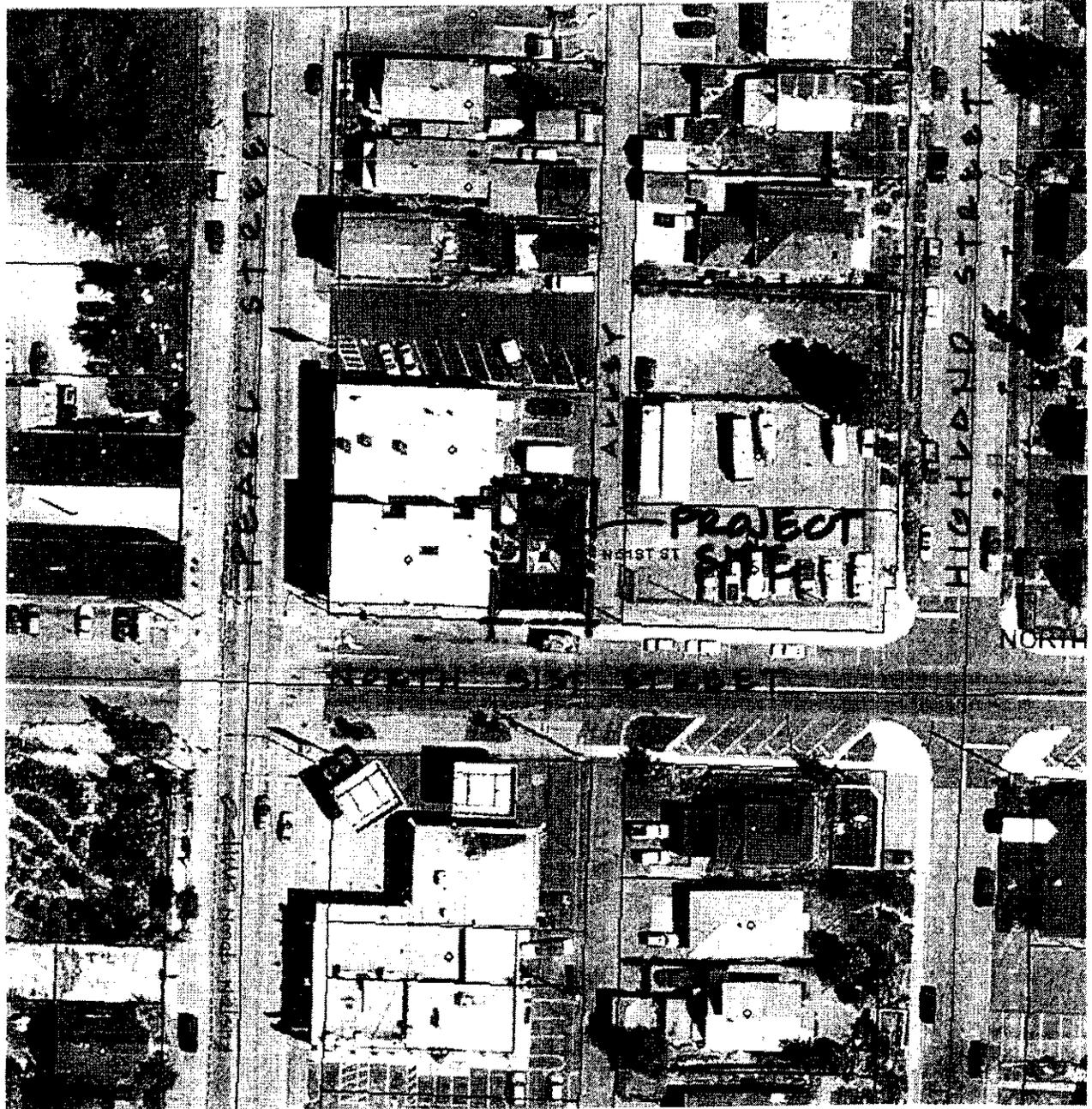


CONTOUR MAP (2' contour intervals)

THE PISTON BUILDING, LLC; 5811 N. 51ST ST., RUSTON, WA
SITE TOPOGRAPHIC INFORMATION
 N.T.S. 10-11-08



AERIAL PLAN



OWNER:
THE RUSTON BUILDING, LLC

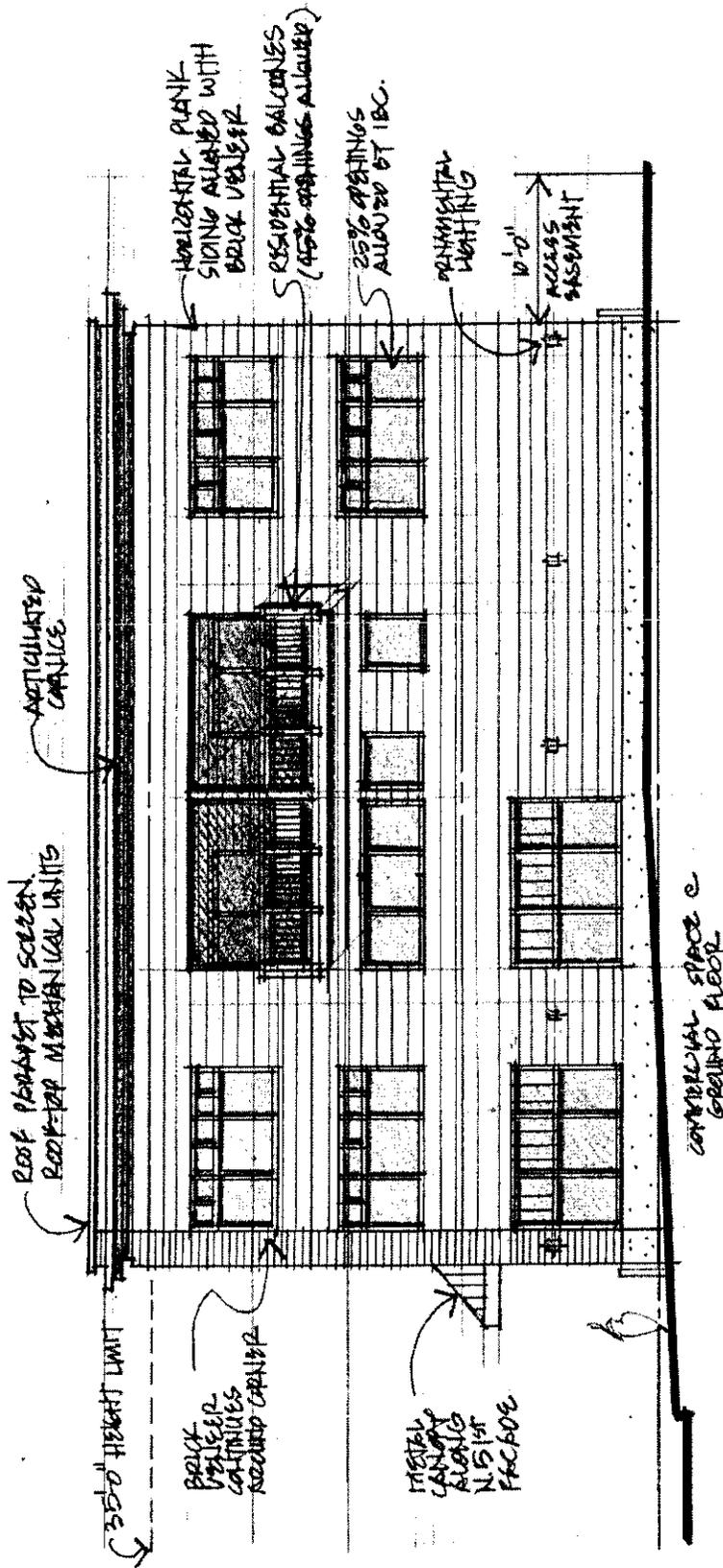
ARCHITECT:
BOE architects, PLLC
705 PACIFIC AVENUE
TACOMA, WA 98402
CONTACT: DAVID BOE
(253) 383-7762
dboe@boearc.com

THE RUSTON BUILDING, LLC.
5811 NORTH 61ST ST, RUSTON, WA

SITE PLAN

SCALE: 1" = 50'-0"
31-10-08





THE RUSTON BUILDING, LLC; 5811 NORTH 51ST STREET, RUSTON, WA

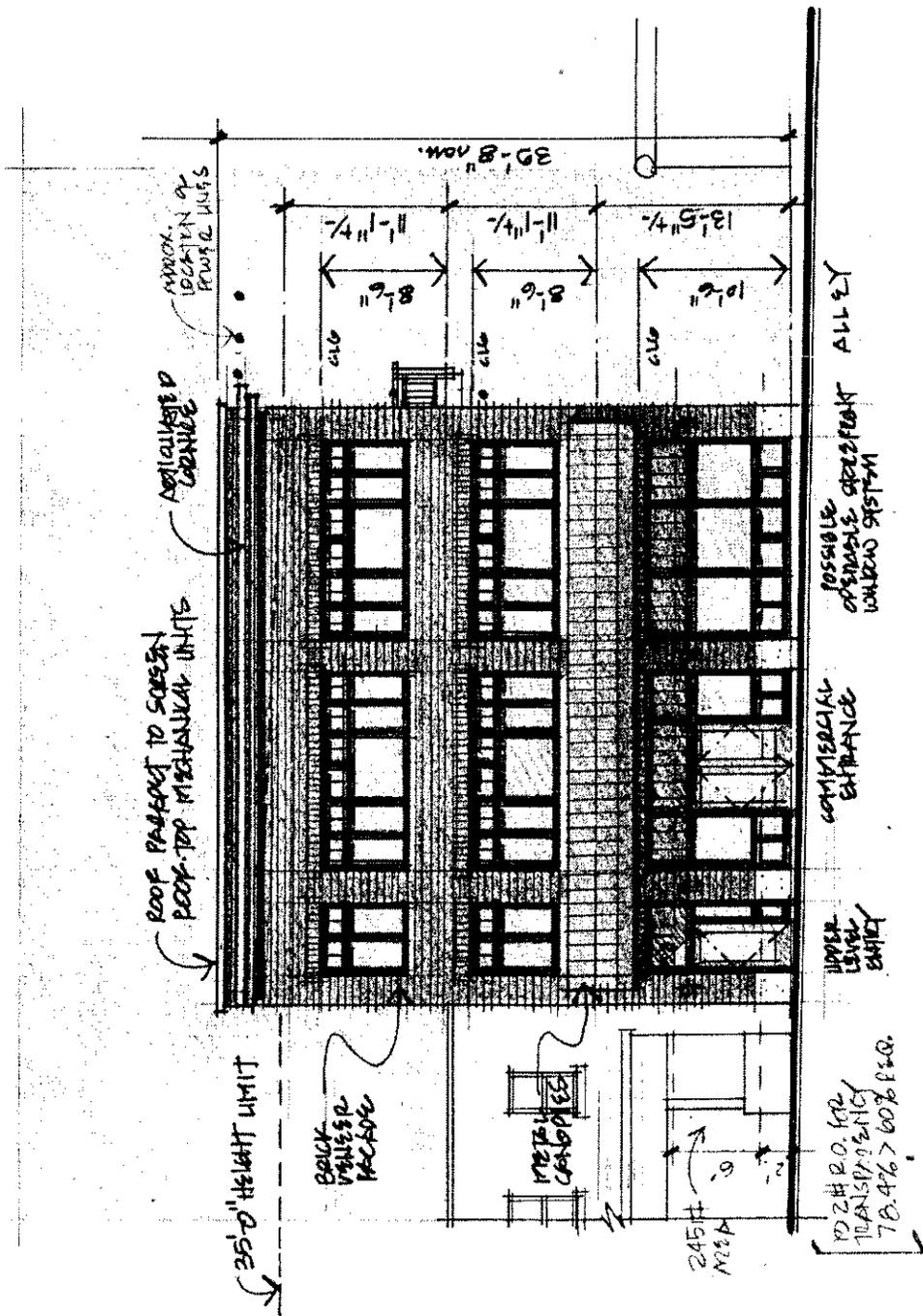
© BOBAC

EAST ELEVATION / AWAY

SCALE: 1/8" = 1'-0"

13-10-08



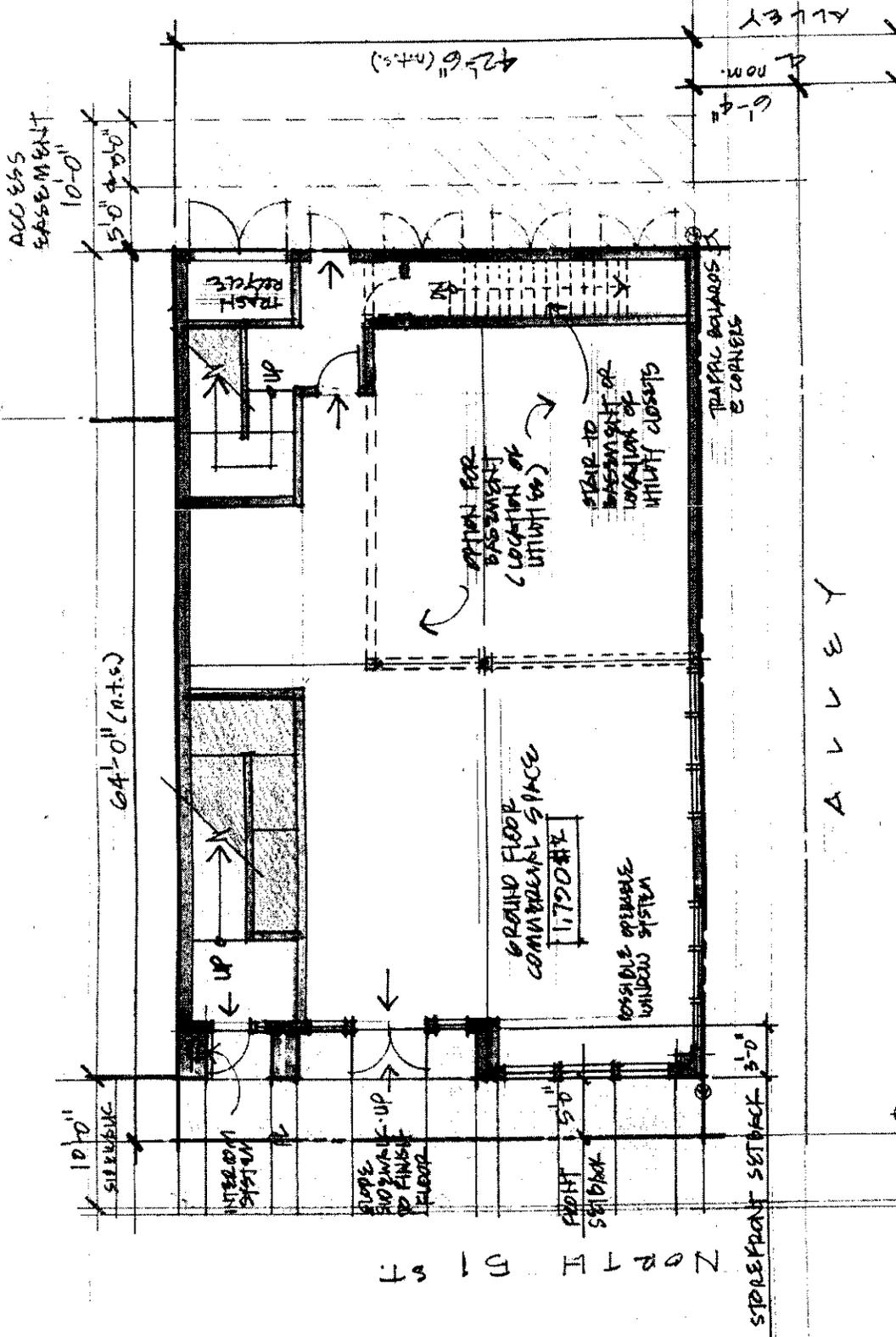


THE RUSTAN BUILDING, LLC; 5811 NORTH 51ST STREET, AUSTON, WA

SOUTH ELEVATION / N. 51ST STREET

SCALE: 1/8" = 1'-0" 10-10-08

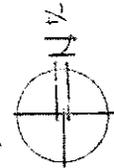




THE RIVINGTON BUILDING, LLC; 5811 NORTH 51 STREET, RIVINGTON, WA

GROUND FLOOR: COMMERCIAL

SCALE: 1/8" = 1'-0" 12.10.08/REV. 31.10.08



A L L E Y

ALLEY
6'-4"
4' nom.

STREET FRONT SETBACK 3'-0"

N O R T H 5 1 S T

ACCESS
EASEMENT
10'-0"

64'-0" (n.t.s.)

42'-6" (n.t.s.)

OPTION FOR
BASEMENT
LOCATION OF
UTILITY (S)

STAIR TO
BASEMENT OR
LOCATION OF
UTILITY CLOSETS

TRAFFIC ADDRESS
& CORNERS

GROUND FLOOR
COMMERCIAL SPACE
11,700 sq. ft.

POSSIBLE OPERABLE
WINDOW SYSTEM

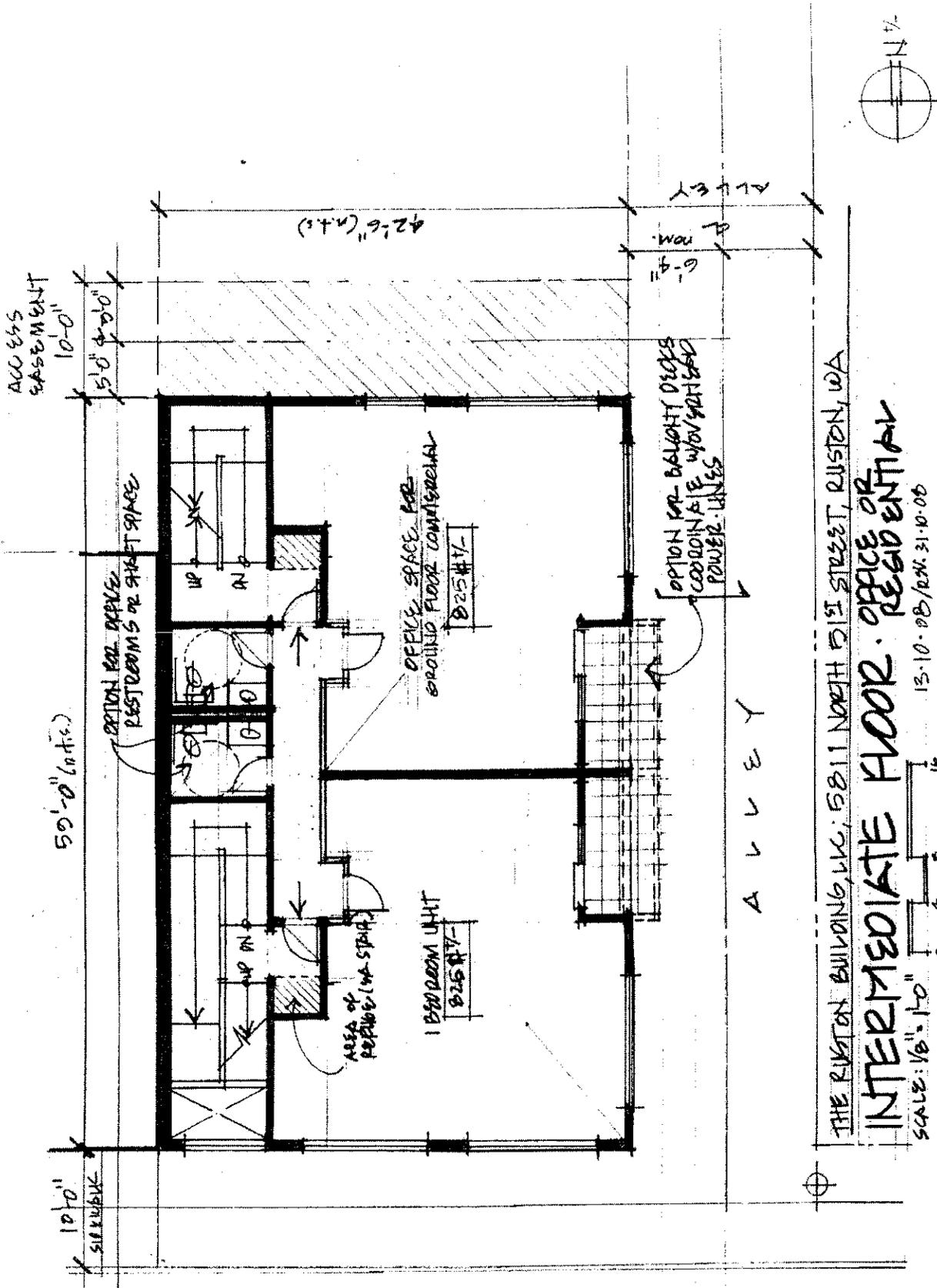
10'-0"
SIDE SETBACK

INTERIOR
WALLS

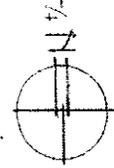
ROOF
5/8" DWG. UP
TO FINISH
FLOOR

FRONT
SETBACK
5'-0"

NORTH 51 ST



THE RIXTON BUILDING, LLC, 5811 NORTH 51ST STREET, RUSTON, WA
INTERMEDIATE FLOOR. OFFICE OR RESIDENTIAL
 SCALE: 1/8" = 1'-0" 13-10-08/RSK 31-10-08



A L L E Y

6'-4" nom. ALLEY

42'-6" (n.t.)

ACCESS ASSEMBLY 10'-0" 5'-0" 4'-0"

50'-0" (n.t.c.)

10'-0" SIDEWALK

OPTION FOR OFFICE RESTROOMS OR STREET SPACE

OPTION FOR BALCONY DECKS COORDINATE WITH UTILITIES POWER LINES

OFFICE SPACE FOR GROUND FLOOR CONSULTANT B25 #1/2

1 BEDROOM UNIT B25 #1/2

AREA OF REPAIR (W/ STAIR)



TOWN OF RUSTON

PLANNING SERVICES

5117 North Winnifred Street Ruston, Washington 98407-6597
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Planning Commission Findings and Recommendation Ruston Building Height and Setback Variance VAR 08-02

I. General Information

A) Applicant:

The Ruston Building LLC
4109 North 35th Street
Tacoma, WA 98407

B) Contact/Agent:

David Boe
Boe Architects
705 Pacific Avenue
Tacoma, WA 98402
(253) 383-7762

C) Site Address/Parcel Number:

5811 North 51st Street, Ruston, WA - Parcel Number 4655000020

D) Zoning Designation: Commercial-Pearl (COM-P)

II. Project Description

The proponent, The Ruston Building LLC, has applied to the Town of Ruston for approval of a Variance to increase the maximum allowable building height for the site from 35 feet to 39 feet – 8 inches in order to achieve a Class A mixed-use project. Additionally, the applicant requests elimination of the rear yard setback in order to allow more efficient use of an atypical lot configuration within the COM-P zone.

III. Project Background

The site as it currently exists contains an abandoned, fire damaged, building formerly known as Coles. According to the applicant, repair or remodel of the building in its current state is not economically feasible. In order to prepare for design and development of the site, the applicant has chosen to apply for height and setback variances that will allow for a design that efficiently utilizes the site as a three-story mixed-use building, making it economically feasible for the site to be redeveloped.

IV. Staff Analysis, Findings, and Conclusions

A) SEPA Analysis

The Town's SEPA Responsible Official issued a Determination of Non-Significance for this proposal on December 16, 2008, which is attached to this report as Exhibit B.

B) Comprehensive Plan

Section 2.2 Year 2010 Population Forecast

"Population forecasting is an integral part of the planning process. The GMA requires jurisdictions to estimate the number of new households and jobs that will be accommodated by the year 2010. Through the comprehensive planning process, each jurisdiction must, at a minimum, provide adequate land, transportation, capital facilities and utilities to accommodate this growth over a twenty-year period.

"Because the Town of Ruston is predominantly built out and its boundaries are set, there is little opportunity for growth in the area."

"Pierce County as a whole is projected to grow from 700,820 people in 2000 to 1,071,468 people in 2025, an increase of approximately 12%. This growth is significant. The Pierce County Growth Management Coordinating Committee preliminary population allocation for Ruston is 760 people by the year 2022, a 0.03% increase from the 2000 population of 738. The Town believes this number to be a realistic reflection of growth of Town areas outside the MPD zone. In 2017, areas outside the MPD zone should be built to the current zoning capacity and have at least a population of 760."

The Planning Commission finds that the proposal is consistent with this Comprehensive Plan goal in that it allows the project to increase population density for this specific site within the COM-P zone from the current use of no residential units to a proposed use of three residential units. Redevelopment opportunities for increased density should be encouraged to help achieve population goals and increase the Town's tax base, particularly for those areas outside the MPD zone.

Section 2.3 Employment

"Current Employment: According to the 2000 Census, 414 of Ruston's residents were employed. The Town has little local employment; Town staff estimates a maximum of 50 jobs within the Town. Ruston is in close proximity to Tacoma and within commuting distance to other surrounding communities. A majority of

residents travel to jobs outside the town limits. The mean travel time to work was estimated to be 30.9 minutes. This limited number of local jobs contributes to a reduced tax base for the Town.”

“Employment Forecasts: The PSRC forecasts that 400 jobs will be located in Ruston in the year 2017. Projection shows an increase in local employment in Ruston over the next 20 years if the Town develops according to recent trends. This projection assumes redevelopment of the Asarco site in a mixed-use configuration prior to 2010.”

The Planning Commission finds that the proposal is consistent with this goal in that it allows the project to increase employment opportunities for this specific site within the COM-P zone where currently there exists only a dilapidated building. Opportunities for new business development should be encouraged to help achieve employment forecasts and increase the Town’s tax base, particularly for those areas outside the MPD zone.

Section 3.5 Commercial Development Concepts and Goals

Goal 1: “Encourage development of a range of retail, commercial and office uses to support local, community and regional needs.”

Goal 2: “Promote mixed commercial and residential development...”

Goal 3: “Provide neighborhood shopping facilities easily accessible to residential areas.”

Goal 4: “Encourage commercial uses to locate in areas suitable for intensive development.”

Goal 5: “Promote site-sensitive and efficient commercial design.”

Goal 6: “Provide convenient and safe pedestrian and vehicular access to and within commercial areas.”

Goal 7: “Design commercial development so that is aesthetically compatible with surrounding buildings, significant historic properties, and natural features.”

The Planning Commission finds that the proposal is consistent with these goals in that it contributes to the retail, commercial and office uses along Pearl Street; incorporates residential development into a mixed-use building; contributes to the provision of neighborhood shopping facilities that are easily accessible to surrounding residential development; provides an efficient use of the site; provides convenient and safe pedestrian and

vehicular access; and is aesthetically pleasing, respecting surrounding historic structures by incorporating similar massing and building materials.

Section 4.3 – Housing Concepts and Goals

Goal 1: "Encourage a fuller range of housing types, providing housing for all income levels and all family sizes."

The Planning Commission finds that the proposal is consistent with this goal in that it provides three attached residential units, which will contribute a housing type to Ruston's housing stock that is not typical by placing efficiently designed one bedroom units in the two upper floors of a mixed-use building.

C) Ruston Municipal Code

RMC 25.01.051 – Commercial-Pearl (COM-P) Zoning Standards

RMC 25.01.051(a) Purpose. The COM-P Zone is intended to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian oriented commercial/retail development along Pearl St. Second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This district is intended to encourage reuse and upgrades of the existing business buildings and promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building.

RMC 25.01.051(e) Minimum Lot Area. There is no minimum lot area in the COM-P zone.

RMC 25.01.051(f) Permitted Height. No structure shall exceed 35 feet in height, including all mechanical equipment, between 48th Street and the centerline of 52nd Street. Height shall be measured from sidewalk grade. Height shall be established by a horizontal plane measured from the sidewalk at the midpoint of the frontage. The applicant may elect to create a separate height measurement every 25 feet along the site frontage.

RMC 25.01.051(g) Setback and Buffer Requirements.

(1) Yard setback requirements:

(A) Front yard: 0 feet to property line.

(B) Rear yard: 25 feet to property line.

(C) Side yards: 0 feet to property line.

RMC 25.01.110 - Conditional Uses, Unclassified Uses and Variance Procedures

RMC 25.01.110(d) Variances.

(1) Authorization for Variance – Findings Required. A variance from any area, setback, yard, parking or other dimensional requirements contained in this chapter shall be granted by the Council after receiving the recommendation and written findings of fact from the Planning Commission if the Council finds that the standards in subsection (d)(2) of this section are established by the applicant.

(2) Variance Standards. Before any variance can be granted, the applicant must establish the following:

(A) There is a unique condition relating to the size, shape, topography, location, or character of surrounding uses that would make the application of the regulation too restrictive; or

(i) The purpose of the regulation from which the variance is sought would not be harmed by allowing the variance, thus making application of the regulation to the applicant's property unreasonable. Such uses may include fire safety, adequate traffic sight distance, and open space for light, air, and recreational uses; and

APPLICANT'S JUSTIFICATION (From Exhibit A):

"The additional height requested with this variance will not harm the underlying purpose of the maximum height restriction as the proposed project does not block any upland views, it does not create any additional life safety, traffic sight distance, open space or recreational use concerns."

"...the uniqueness of the small size of the existing parcel, the unique orientation of the parcel relating to the neighboring parcels and street grid, and the historic precedence of the existing configuration supports the granting of the variance request – as direct application of the regulation would make any development of the parcel impossible due to its resulting small building footprint size."

FINDING: The Planning Commission finds that the applicant's justification for this requirement has been met as the requested variance, if approved, would allow the proposal to be designed with second and third floor residential uses as encouraged in RMC 25.01.051(a), which describes the intent of the COM-P zone to be "to promote aesthetic quality, pedestrian/shopper comfort and convenience, public safety, and encourage pedestrian oriented commercial/retail development along Pearl St. second and third floor residential uses are encouraged to help create demand for commercial/retail use on the ground floor of mixed use buildings. This district is intended to encourage reuse and upgrades of the existing business buildings and promote retail frontages with street amenities and a direct visual relationship between pedestrians on the sidewalk and uses on the ground floor of the building." Additionally, the Planning Commission agrees with the applicant's reasoning for granting the setback variance due to the unusual shape, size and orientation when compared with other parcels in the COM-P zone.

(B) Approval of the variance will not grant a special privilege not enjoyed by other properties in the vicinity; or

(i) The proposed design is more environmentally sensitive than would be the case if the design met the regulation from which a variance is sought; and

APPLICANT'S JUSTIFICATION (From Exhibit A):

"With the increase in density allowed by the incorporation of a third floor of residential units, this allows for a project that is more efficient in the use of the property, is more energy efficient, and allows for development of a project that incorporates aesthetically pleasing proportions. If the project prescriptively followed the building height restrictions, it would either have to reduce to two stories in order to achieve a building height under the 35 feet or create a three story building that is proportionally unattractive and can only achieve Class B Commercial and Residential Quality Specifications (instead of the Class A Specifications proposed) – neither of these options would be financially viable; therefore, the existing vacant building would unfortunately remain fallow."

"Many of the buildings in the surrounding neighborhood have significantly reduced rear yard setbacks. These include the parcel located immediately to the West and the properties located to the South across North 51st Street. Approval of this variance (setback) will not grant any special privilege not enjoyed by current properties in the vicinity of the subject parcel."

FINDING: The Planning Commission finds that this requirement has been met. As stated by the applicant, with increased height, the proposal allows a project of increased density upon a site that would not be able to do so without the requested variance. Increased density results in a more efficiently utilized site which is more environmentally sensitive than would otherwise occur. Additionally, since many of the surrounding properties have existing reduced rear yard setbacks, granting a rear yard setback variance would not grant any special privilege not enjoyed by other properties in the vicinity.

(C) The proposed variance will not conflict with the Town's Comprehensive Plan; and

APPLICANT'S JUSTIFICATION (From Exhibit A):

The approval of the building height variance request will actually allow the project to be in compliance with the Town of Ruston Comprehensive Plan (as noted previously), it will vastly improve the character of the neighborhood, and will improve the value of the adjoining properties. No views from residential properties will be adversely impacted by granting the variance for the additional height nor will additional shade or shadow fall onto residential properties due to the unique location of this commercial site.

FINDING: The Planning Commission finds that this requirement has been met. The proposed variances will result in the development of a project that will help to accomplish the goals of the Town's Comprehensive Plan as described in Section IV(B) of this report.

(D) Will not adversely affect the neighborhood's character; and

APPLICANT'S JUSTIFICATION (From Exhibit A):

The approval of the building height variance request will actually allow the project to be in compliance with the Town of Ruston Comprehensive Plan (as noted previously), it will vastly improve the character of the neighborhood, and will improve the value of the adjoining properties. No views from residential properties will be adversely impacted by granting the variance for the additional height nor will additional shade or shadow fall onto residential properties due to the unique location of this commercial site.

FINDING: The Planning Commission finds that this requirement has been met. Granting of the requested variances will not adversely affect the surrounding neighborhood's character, rather, it will improve it by allowing the redevelopment of a site that has been in a dilapidated state for some time.

(E) Will not adversely affect the use or value of neighboring properties.

APPLICANT'S JUSTIFICATION (From Exhibit A):

The approval of the building height variance request will actually allow the project to be in compliance with the Town of Ruston Comprehensive Plan (as noted previously), it will vastly improve the character of the neighborhood, and will improve the value of the adjoining properties. No views from residential properties will be adversely impacted by granting the variance for the additional height nor will additional shade or shadow fall onto residential properties due to the unique location of this commercial site.

FINDING: The Planning Commission finds that this requirement has been met. Granting of the requested variances will not adversely affect the surrounding neighborhood's value, rather, it will improve it by allowing the redevelopment of a site that has been in a dilapidated state for some time, generally causing all adjacent properties to see an increase in value.

V. Recommendation

The Planning Commission recommends that the Town Council approve the requested height and setback variances subject to the following conditions:

- A) Elevation and Site Plan drawings (Contained within Exhibit A). Drawings submitted for site plan approval and construction shall substantially reflect the

drawings included with this variance request, especially with respect to building massing and proportions, scale, glazing quantities and siding materials.

- B) Expiration of approval. If the Town does not receive a complete application for site plan approval within 24 months of granting this variance request, the variance approvals shall lapse and be of no further effect. The Mayor may extend the period of approval prior to the expiration date, if requested by the property owner.

VI. Public Notice

A public meeting was held before the Planning Commission on January 28, 2009. Public notice was provided by mailing the agenda for this meeting to property owners within three hundred feet (300') of the project site and posting notice of the meeting at the subject site.



Kevin Moser,
Planning Commission Chairman

February 3, 2008

Date

The following documents pertinent to your review are either attached or available for review in the Town file:

Application Materials (Exhibit A)

SEPA Determination of Non-Significance (DNS) (Exhibit B)